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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,722	11/14/2006	Niclas Eriksson	10215-000023/US	7072
75304 7590 02/17/2009 Capitol City TechLaw, PLLC PO BOX 1210 VIENNA, VA 22183				
EXAMINER				
GRAVINI, STEPHEN MICHAEL				
ART UNIT		PAPER NUMBER		
3743				
MAIL DATE		DELIVERY MODE		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/568,722

**Applicant(s)**

ERIKSSON ET AL.

**Examiner**

Stephen M. Gravini

**Art Unit**

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-39 is/are pending in the application.
- 4a) Of the above claim(s) 38 and 39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38 and 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1, claim(s) 20-37, drawn to a combination method.

Group 2, claim(s) 38-39, drawn to a subcombination method.

The inventions listed as Groups 1 and 2 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: group 1 requires a fan while group 2 only requires circulating air. This air circulation can be by convection or natural circulation based on temperature differentials such that the group 1 fan is not required, making the groups unrelated plural general inventive concepts. Furthermore, group 1 requires thermal radiation is used to concentrate to one or more distinct wavelengths, which is not a requirement of group 2 invention which also shows that the two groups of inventions are not related to a single general inventive concept under PCT Rule 13.1.

Newly submitted claims 38-39 are directed to an invention that is independent or distinct from the invention originally claimed for the reasons set forth above.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 38-39 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

Claims 20, 27-28, and 31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bothe et al. (US 5,220,753). The face of that reference discloses each of the claimed features.

***Claim Rejections - 35 USC § 103***

Claims 21-26 and 29-30 and 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bothe in view of Hobbs et al. (US 4,050,900). Bothe discloses the claimed invention as rejected above, except for the claimed wavelength ranges and reflective material. It would have been an obvious matter of design choice to recite those features, since the teachings of Bothe would perform the invention as claimed regardless of the claimed wavelength or material. Furthermore, Bothe in view of Hobbs discloses the claimed invention, except for the claimed dampers and control system. Hobbs, another method for dehumidification and/or sanitation of sewage sludge, discloses those features at column 8 line 67 through column 9 line 24. It would have been obvious to one skilled in the art to combine the teachings of Bothe with the dampers and control system disclosed in Hobbs for the purpose of providing a more efficient control dehumidification process in a cost effective controlled manner.

***Response to Arguments***

Applicant's arguments filed December 22, 2008 have been fully considered but they are not persuasive.

***Bothe anticipation***

Applicant argues that the thermal concentration intended use feature and shorter wavelengths make the application allowable over the prior art. Under current Office practice, the claims are reasonably and broadly construed, in light of the accompanying specification. In this application, claim 1 recites:

thermal radiation **is used** concentrated to one or more distinct wavelength ranges at which water has peaks for absorption of radiation energy (emphasis added).

This feature is construed to be a statement of intended use, as emphasized above, and the teachings of primary reference Bothe disclosed this feature, because thermal radiation of that reference can be used for the same function as claimed by applicants.

Claim 1 also recites:

wavelengths of the radiation are shorter than the openings of the surface structure of the sewage sludge.

To those skilled in the art, microwave wavelengths are in the range of one millimeter to one meter. Without reciting a precise wavelength, other than just claiming "shorter," the prior art teaches the claimed relative length because any microwave length would necessarily be shorter than the openings of the surface structure of the sewage sludge otherwise the electromagnetic energy would not be able to penetrate the structure. Applicants arguments with respect to a radiate plate and auger of Bother seem contrary to ordinary wave energy propagation.

With respect to claims 27-28 and 31, those claims recite material received on a conveyor belt, one or more carriages, and **is used** as a part of ecological recycling respectively. Each of those features is either discussed in the abstract or shown in the drawing on the face of that reference. Without describing in the claim more details of those intended uses or precise features, the teachings of Bothe read on the reasonable and broad claim construed terms.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Those prior art references teach one or more features of the claimed invention, but are not relied upon in rejecting the claims in this action, but may be used to reject the claims in future actions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth B. Rinehart can be reached on 571 272 4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen Gravini/  
Primary Examiner, Art Unit 3743